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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9
10 **AT SEATTLE**

11 **GWENDOLYN MACON,**) Case No.
12)
13 Plaintiff,) **COMPLAINT**
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18 **NCO FINANCIAL SYSTEMS, INC.,**) **JURY TRIAL DEMANDED**
19)
20 Defendant.)
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18 **I. NATURE OF ACTION**

19 1. This is an action for damages brought by an individual consumer for
20 Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §
21 1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington,
22 Chapter 19.16, both of which prohibit debt collectors from engaging in abusive,
23 deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of
24 privacy by intrusion, ancillary to Defendant's collection efforts.
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Complaint - 1

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II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

III. PARTIES

3. Plaintiff, Gwendolyn Macon, is a natural person residing in the State of Washington, County of King, and City of Federal Way.

4. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3), and a “debtor” as defined by RCW § 19.16.100(11).

5. At all relevant times herein, Defendant, NCO Financial Systems, Inc., (“Defendant”) was a company engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. §1692a(5).

6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6), and a “licensee,” as defined by RCW § 19.16.100(9).

IV. FACTUAL ALLEGATIONS

7. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant’s conduct violated the FDCPA and RCW § 19.16 in multiple ways, including but not limited to:

- a. Communicating with Plaintiff after having received a letter from Plaintiff with a request to cease and desist all collection contacts or a statement that Plaintiff refuses to pay the debt (§ 1692c(c));
- b. Causing Plaintiffs telephone to ring repeatedly or continuously with intent to harass, annoy or abuse Plaintiff, including calling Plaintiff back immediately after Plaintiff had ended a telephone conversation (§ 1692d(5));
- c. Without having received the prior consent of Plaintiff or the express permission of a court of competent jurisdiction, and without it being necessary to effect a post-judgment remedy, communicating with a third party other than in the manner prescribed by 15 USC § 1692b (§ 1692c(b));
- d. Communicating with a single third party more than once in connection with an attempt to collect an alleged debt from Plaintiff (§ 1692b(3) & § 1692c(b));
- e. Disclosing to a third party the existence of the debt allegedly owed by Plaintiff (§ 1692b(2) & § 1692c(b)).

9. Defendant's aforementioned activities, set out in paragraph 8, also constitute an intentional intrusion into Plaintiff's private places and into private matters of Plaintiff's life, conducted in a manner highly offensive to a reasonable person. With respect to the setting that was the target of Defendant's intrusions, Plaintiff had a subjective expectation of privacy that was objectively reasonable under the circumstances.

10. As a result of Defendant's behavior, detailed above, Plaintiff suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and emotional distress.

**COUNT I: VIOLATION OF FAIR DEBT
COLLECTION PRACTICES ACT**

11. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered
against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct
violated the FDCPA;
- B. Actual damages;
- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and,
- E. For such other and further relief as may be just and proper.

**COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY
ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON
CONSUMER PROTECTION ACT**

12. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered
against the Defendant for the following:

- B. Actual damages;
- C. Discretionary Treble Damages;

1 D. Costs and reasonable attorney's fees,

2 F. For such other and further relief as may be just and proper.

3 **COUNT III: COMMON LAW INVASION OF PRIVACY BY INTRUSION**

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5 13. Plaintiff reincorporates by reference all of the preceding paragraphs.

6 **PRAYER FOR RELIEF**

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8 WHEREFORE, Plaintiff respectfully prays that judgment be entered
9 against the Defendant for the following:

10 A. Actual damages

11 B. Punitive Damages; and,

12 C. For such other and further relief as may be just and proper.

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16 Respectfully submitted this 12th day of December, 2008.

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19 s/Jon N. Robbins

20 Jon N. Robbins

21 WEISBERG & MEYERS, LLC

22 Attorney for Plaintiff